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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : John Bertin

Art Unit : 1635

Serial No. : 09/728,721

Examiner : Sean McGarry

TECH CENTER 1600/29

Filed : December 1, 2000

Title : NOVEL MOLECULES OF THE CARD-RELATED PROTEIN FAMILY AND  
USES THEREOFCommissioner for Patents  
Washington, D.C. 20231#10/  
K.T.  
11/8  
ELECTIONRESPONSE TO RESTRICTION REQUIREMENT

In response to the Restriction Requirement dated October 2, 2002, applicant elects the invention of Group I, drawn to the embodiment of claims 1-7 and 12. Applicant further elects the sequence of SEQ ID NO:48. The election is made with traverse.

SEQ ID NO:50 is an open reading frame of human CARD-5 and is entirely contained within SEQ ID NO:48, the sequence of a human CARD-5 cDNA. SEQ ID NO:50 corresponds to nucleotide positions 53 to 638 in SEQ ID NO:48. SEQ ID NO:48 and SEQ ID NO:50 encode the 195 amino acid CARD-5 polypeptide of SEQ ID NO:49.

Applicant respectfully requests that the CARD-5 nucleotide sequences of SEQ ID NO:48 and SEQ ID NO:50, as well as nucleic acids encoding the CARD-5 polypeptide of SEQ ID NO:49, be examined together. Under these circumstances, an election of a single CARD-5 sequence will make prosecution unduly burdensome.

## CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit November 1, 2002Signature Darlene J. MorinTyped or Printed Name of Person Signing Certificate Darlene J. Morin

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Page : 2

Attorney's Docket No.: 07334-315001 / MPI97-045CP5

Please apply any charges or credits to Deposit Account No. 06-1050, referencing  
Attorney Docket No. 07334-315001.

Respectfully submitted,

Date: November 1, 2002

Jack Brennan  
Jack Brennan  
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